

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Delete pages 2 through 4.
- 3 Page 5, delete lines 1 through 34, begin a new paragraph and insert:
- 4 "SECTION 1. IC 22-3-2-14 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) **As used in this**
- 6 **section, "person" does not include an owner who contracts for**
- 7 **performance of work on the owner's owner-occupied residential**
- 8 **property.**
- 9 (b) The state, any political division thereof, any municipal
- 10 corporation, any corporation, limited liability company, partnership, or
- 11 person, contracting for the performance of any work exceeding one
- 12 thousand dollars (\$1,000) in value by a contractor subject to the
- 13 compensation provisions of IC 22-3-2 through IC 22-3-6, without
- 14 exacting from such contractor a certificate from the worker's
- 15 compensation board showing that such contractor has complied with

section 5 of this chapter, IC 22-3-5-1, and IC 22-3-5-2, shall be liable to the same extent as the contractor for compensation, physician's fees, hospital fees, nurse's charges, and burial expenses on account of the injury or death of any employee of such contractor, due to an accident arising out of and in the course of the performance of the work covered by such contract.

~~(b)~~ (c) Any contractor who shall sublet any contract for the performance of any work, to a subcontractor subject to the compensation provisions of IC 22-3-2 through IC 22-3-6, without obtaining a certificate from the worker's compensation board showing that such subcontractor has complied with section 5 of this chapter, IC 22-3-5-1, and IC 22-3-5-2, shall be liable to the same extent as such subcontractor for the payment of compensation, physician's fees, hospital fees, nurse's charges, and burial expenses on account of the injury or death of any employee of such subcontractor due to an accident arising out of and in the course of the performance of the work covered by such subcontract.

~~(c)~~ (d) The state, any political division thereof, any municipal corporation, any corporation, limited liability company, partnership, person, or contractor paying compensation, physician's fees, hospital fees, nurse's charges, or burial expenses under this section may recover the amount paid or to be paid from any person who, independently of such provisions, would have been liable for the payment thereof and may, in addition, recover the litigation expenses and attorney's fees incurred in the action before the worker's compensation board as well as the litigation expenses and attorney's fees incurred in an action to collect the compensation, medical expenses, and burial expenses.

~~(d)~~ (e) Every claim filed with the worker's compensation board under this section shall be instituted against all parties liable for payment. The worker's compensation board, in an award under subsection ~~(a)~~ (b), shall fix the order in which said parties shall be exhausted, beginning with the immediate employer, and, in an award under subsection ~~(b)~~ (c), shall determine whether the subcontractor has the financial ability to pay the compensation and medical expenses when due and, if not, shall order the contractor to pay the compensation and medical expenses."

Page 6, line 16, delete "exemption." and insert "**exemption, as shown by an affidavit of exemption filed under subsection (j).**".

- 1 Page 6, line 20, delete "Copies of the preceding year's federal and
- 2 state income tax".
- 3 Page 6, line 21, delete "returns showing" and insert "**Proof of**".
- 4 Page 6, run in lines 20 through 21.
- 5 Page 6, lines 21, after "of" insert ", **or non-liability for,**".
- 6 Page 6, delete lines 29 through 31.
- 7 Page 6, line 33, strike "five dollars (\$5)" and insert "**twenty dollars**
- 8 **(\$20)**".
- 9 Page 6, line 35, strike "Fifty percent (50%)" and insert "**Eighty**
- 10 **percent (80%)**".
- 11 Page 6, line 36, delete "." and insert "**and shall be used for all**
- 12 **expenses the board incurs.**".
- 13 Page 6, line 37, strike "Fifty percent (50%)" and insert "**Twenty**
- 14 **percent (20%)**".
- 15 Page 7, line 19, strike "on the date received." and insert "**seven (7)**
- 16 **business days after the date of receipt by the worker's**
- 17 **compensation board.**".
- 18 Page 8, after line 2 , begin a new paragraph and insert:
- 19 "**(n) A contractor who knowingly or intentionally causes or**
- 20 **assists employees, including temporary employees, to file an**
- 21 **affidavit of exemption commits a Class D felony.**
- 22 SECTION 3. [EFFECTIVE JULY 1, 2001] **(a) Notwithstanding**
- 23 **IC 22-3-2-14.5 (e), as amended by this act, if an independent**
- 24 **contractor has filed an affidavit of exemption under**
- 25 **IC 22-3-2-14.5(j) for calendar year 2001 before July 1, 2001, and**
- 26 **has received a validated copy from the worker's compensation**
- 27 **board, the independent contractor shall not be required to file**
- 28 **additional documentation for 2001.**

- 1 **(b) This SECTION expires January 1, 2003."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to HB 1553 as introduced.)

and when so amended that said bill do pass.

Representative Liggett